



PATENT
Attorney Docket No.: PTI-001CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kornblith
SERIAL NO.: 09/040,161 **GROUP NO.:** 1651
FILING DATE: March 17, 1998 **EXAMINER:** Gitomer, R.
TITLE: Method for Preparing Cell Cultures from Biological Specimens for
Chemotherapeutic and Other Assays

TERMINAL DISCLAIMER

I, Sean McDonald, residing at 79 Woodland Road, Pittsburgh, PA 15232, state that I am a representative authorized to sign on behalf of Precision Therapeutics, Inc. of 2516 Jane Street, Pittsburgh, PA 15203, identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 09/040,161. In accordance with the provisions of 37 C.F.R. § 3.73, Precision Therapeutics, Inc. is the assignee of the entire right, title and interest in and to the above-identified application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012437, Frame 0785, on January 8, 2002.

Precision Therapeutics, Inc. hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of co-owned U.S. Patent No. 5,728,541, filed July 12, 1996 and issued March 17, 1998, and hereby agrees that any patent so granted on U.S. Serial No. 09/040,161 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,728,541, this agreement to run with any patent granted on the U.S. Serial No. 09/040,161 and to be binding upon the Assignee, its successors or assigns.

Precision Therapeutics, Inc. does not disclaim any terminal part of the term of patent granted on the above-identified application U.S. Serial No. 09/040,161 prior to the expiration date of the full statutory term of U.S. Patent No. 5,728,541, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a re-examination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PRECISION THERAPEUTICS, INC.

By: 
Name: Sean McDonald

Title: President and Chief Executive Officer

Date: February 5, 2004